

JAN-08-2007 11:31AM FROM-GONZALES COUNTY CLERK

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T-527 P.001/003 F-150

REGULAR SESSION

January 08, 2007

THE STATE OF TEXAS
COUNTY OF GONZALES

BE IT REMEMBERED that on this 08th day of January , 2007, the Commissioner's Court of Gonzales County, Texas, was fully convened in the City of Gonzales, with the following members of said court being present, to-wit:

David Bird,
K. O. "Dell" Whiddon,
Donnie R. Brzozowski,
Kevin T. LaFleur,
Otis "Bud" Wuest,
Lee Riedel,

County Judge, Presiding,
Commissioner, Precinct #1,
Commissioner, Precinct #2,
Commissioner, Precinct #3,
Commissioner, Precinct #4,
County Clerk,

and the court having been opened in due form, the following proceedings were had, to-wit:

Minutes of the December 31st Regular Meeting and January 2nd Called Meeting, were approved, as submitted.

Motion was made by Commissioner Wuest, seconded by Commissioner Whiddon, to approve relocation of polling place in Election Precinct #2 (Voting Box #2) from the American Legion Building located at 1620 Robertson Street Gonzales, Texas to Emmanuel Fellowship Hall, located at 1817 St. Lawrence, Gonzales, Texas. This relocation will be a permanent polling place change and will serve all subsequent elections utilizing Election Precinct #2. The Commissioners Court authorize submission of this change in voting procedures to United States Department of Justice, in conformity with the Voting Rights Act of 1965.

Motion was approved unanimously.

Motion was made by Commissioner Whiddon, seconded by Commissioner LaFleur, to approve oaths and bonds for David Bird, County Judge; Sandra Baker, District Clerk; Lee Riedel, County Clerk; Sheryl Barborak, County Treasurer; Stephen O. Pirkle, Jr., County Surveyor; Donnie R. Brzozowski, Commissioner Pct #2; Darryl J. Becker, Justice of the Peace-Pct #1; Rulogio Melchor, Justice of the Peace-Pct #3; Don Setliff, Justice of the Peace-Pct #4, as submitted.

Motion was approved unanimously.

JAN-09-2007 11:31AM FROM GONZALES COUNTY CLERK

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T-527 P.002/003 F-150

Motion was made by Commissioner Wuest, seconded by Commissioner Whiddon, to approve payment of county officials on a salaried basis. Motion was approved unanimously.

Motion was made by Judge Bird, seconded by Commissioner LaFleur, to appoint John Wicke, Jr. and Ernest Collier to the Gonzales County Emergency Services Fire District #1 for a two year term. Motion was approved unanimously.

Motion was made by Commissioner Wuest, seconded by Commissioner LaFleur, to designate Bob Burchard as chairperson and list as submitted to membership - Gonzales County Historical Commission for a two year term. Motion was approved unanimously.

Motion was made by Commissioner Whiddon, seconded by Commissioner LaFleur, to approve renewal of Public Officials Liability and Law Enforcement Liability insurance with TAC, as requested. Motion was approved unanimously.

Motion was made by Commissioner Wuest, seconded by Commissioner Whiddon, to approve contract with Community Action Committee of Victoria for use of space in the county courthouse, as requested. Motion was approved unanimously.

No Budget amendments were presented.

Public comments were received.

Motion was made by Commissioner Wuest, seconded by Commissioner Whiddon, to pay approved bills. Motion was approved unanimously.

Motion was made by Commissioner LaFleur, seconded by Commissioner Whiddon, to adjourn. Motion was approved unanimously.

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There being no further business to come before the court, court
was adjourned on this the 8th day of January , 2007.

County Judge

ATTEST

County Clerk

TAB II

II.

STATEMENT OF CHANGE AND SUPPORTING MAPS AND DATA

This submission covers the following modifications to existing and previously precleared polling places:

1. As set forth in the attached Order (Tab I, Exhibit D), and pursuant to §43.002 of the Texas Election Code, the Commissioners Court has determined that the interests of justice and the public convenience requires a relocation of the polling place for Voting Box #2 in the city of Gonzales from the American Legion Building to a more readily accessible location, i.e. the Emmanuel Fellowship Hall, and to make such relocation permanent for all future elections, and to seek preclearance of such prospective change, plus to seek retroactive preclearance for the relocation under emergency circumstances for the Primary Election of March 7, 2006, the Runoff election of April 11, 2006 and the General Election of November 7, 2006.
2. This relocation is based upon the unwillingness of the American Legion operator to make the facility available as a polling place. Relocation to the Emmanuel Fellowship is a suitable location, there being no adequate public buildings in the geographic area. Emmanuel Fellowship is accessible to those persons with physical disabilities, as required by Texas law. (See Tab III.)
3. This relocation constitutes a "change" of voting practices or procedures, and as such, is subject to the obligations imposed by the Voting Rights Act.
4. However, the use of Emmanuel Fellowship as a polling place has been undertaken in good faith, and in compliance with applicable state law. Additionally, the Emmanuel Fellowship location is more readily accessible and is more suitable than the prior polling place, in accord with § 43.034 of the Texas Election Code. (See Tab III)
5. Submission of the Order of January 8, 2007, is designed to obtain formal recognition of the relocation of the polling place from the American Legion Building to Emmanuel Fellowship, both prospectively for all future elections utilizing Voting Box #2 as a component election precinct, and retroactively, for the elections held on March 7, 2006, April 11, 2006, and November 7, 2006.
6. There is no perceived adverse impact upon minority voting rights due to the fact that the Emmanuel Fellowship is well known in the community, is located only a short distance from the former polling place, and had been used in the two most recent elections prior to the General Election

now under challenge. Further, contrary to the allegations in the pending litigation, the public was well aware of the change of polling place locations prior to each election. Both candidates utilized campaign advertising to supplement the formal notice and newspaper coverage of the polling place change. (See Tab I, Exhibit C)

7. Maps and Data pertaining to the requested preclearance are attached and incorporated herein as follows:

Exhibit E: Demographic Analysis of Commissioners Precincts prior to 2001 Redistricting. This demographic demonstrates that the former political boundaries were violative of the "one-person-one-vote" balance required by federal law.

Exhibit F: Demographic Analysis of Commissioners Precinct after 2001 Redistricting. This demographic demonstrates that the revised political boundaries complied with "one-person-one-vote" balance, and did not adversely affect minority voting rights.

Exhibit G: Map of Voting Box #2 boundaries in City of Gonzales.

Exhibit H: Map showing relative location of former polling place, American Legion Building, and the new polling place, Emmanuel Fellowship. The new polling place is a well known location, easily accessible by all members of the public, and is located only a short distance from the original polling place.

Exhibit I: Demographic Analysis of Commissioner Precinct 2 Voting Boxes before 2001 redistricting.

Exhibit J: Demographic Analysis of Commissioner Precinct 2 Voting Boxes after 2001 redistricting. Analysis will reveal that the pre-2001 and post-2001 voting box demographic were relatively unchanged by redistricting.

Exhibit K: Analysis Voting Box 2 alone (both pre and post 2001 Redistricting) Analysis will reveal that the pre-2001 and post-2001 voting box demographic were relatively unchanged by redistricting.

Exhibit L: Analysis of Turnout in Voting Box #2 in prior elections, both pre and post 2001 redistricting. Because the boundaries were different, and there were more restrictive

state laws in effect regarding “early voting”, comparison of election turnout is not particularly helpful, but generally reveals that the turnout for the General Election of 2006 was similar to earlier voting patterns in the precinct.

Exhibit M: Analysis of Losing Margin in Grant Election (November 7, 2006). Mr. Grant lost the election in other precincts besides Precinct 2. The losing margin suggests that the outcome of the election, even if there had been no polling place change, would have been no different. Denial of the request for retroactive preclearance of the polling place would be purely speculative if based on the assumption that the polling place change resulted in Mr. Grant’s defeat.

TAB E

Reapportionment Analysis
Pre-Redistricting 2001

Exhibit E

County	Gonzales 2000					
Plan	Commissioners					
Precinct	Population	Difference	Deviation			
1	3985	-672	-14.43%			
2	5081	424	9.10%			
3	4937	280	6.01%			
4	4625	-32	-0.69%			
Total	18628					
Ideal	4657					
	District	Number	Difference	Deviation		
Largest	2	5081	424	9.10%	TMD%	
Smallest	1	3985	-672	-14.43%	23.53%	
Ethnic	Analysis	Anglo	Hispanic	Black	Other	
Precinct						Totals
1	Population	2711	1130	104	40	3985
	Percentage	68.0%	28.4%	2.6%	1.0%	21.4%
2	Population	2084	2015	894	88	5081
	Percentage	41.0%	39.7%	17.6%	1.7%	27.3%
3	Population	2493	2012	384	48	4937
	Percentage	50.5%	40.8%	7.8%	1.0%	26.5%
4	Population	2251	2224	111	39	4625
	Percentage	48.7%	48.1%	2.4%	0.8%	24.8%
	Totals	9539	7381	1493	215	18628
	Percentage	51.2%	39.6%	8.0%	1.2%	100.0%

EXHIBIT "C"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO
EXISTING COMMISSIONER PRECINCT BOUNDARIES
PRIOR TO REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	3,135	2,082	98	926	29
	14	128	101	0	27	0
	15	<u>722</u>	<u>528</u>	<u>6</u>	<u>177</u>	<u>11</u>
	Total	3,985	2,711 (68.0)	104 (2.6)	1,130 (28.4)	40 (1.0)
#2	2	3,192	1,252	613	1,265	62
	9	1,438	432	263	717	26
	11	<u>451</u>	<u>400</u>	<u>18</u>	<u>33</u>	<u>0</u>
	Total	5,081	2,084 (41.0)	894 (17.6)	2,015 (39.7)	88 (1.7)
#3	3	3,566	1,497	255	1,776	38
	5	471	361	56	52	2
	7	471	318	53	93	7
	8	<u>429</u>	<u>317</u>	<u>20</u>	<u>91</u>	<u>1</u>
	Total	4,937	2,493 (50.5)	384 (7.8)	2,012 (40.8)	48 (0.9)
#4	4	2,186	769	51	1,346	20
	6	848	490	14	340	4
	10	924	537	2	380	5
	12	213	160	3	50	0
	13	<u>454</u>	<u>295</u>	<u>41</u>	<u>108</u>	<u>10</u>
	Total	4,625	2,251 (48.7)	111 (2.4)	2,224 (48.1)	39 (0.8)
Grand Total		18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

IDEAL: 4,657

VARIANCE: 23.54%

Source: Manual interpretation of 2000 Census information provided by the U.S. Bureau of the Census.

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EXHIBIT "C"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO EXISTING
ELECTION PRECINCTS
PRIOR TO REDISTRICTING

Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
1	3,135	2,082 (66.4)	98 (3.1)	926 (29.6)	29 (0.9)
2	3,192	1,252 (39.2)	613 (19.2)	1,265 (39.6)	62 (2.0)
3	3,566	1,497 (42.0)	255 (7.1)	1,776 (49.8)	38 (1.1)
4	2,186	769 (35.2)	51 (2.3)	1,346 (61.6)	20 (0.9)
5	471	361 (76.6)	56 (11.9)	52 (11.1)	2 (0.4)
6	848	490 (57.8)	14 (1.6)	340 (40.1)	4 (0.5)
7	471	318 (67.5)	53 (11.3)	93 (19.7)	7 (1.5)
8	429	317 (73.9)	20 (4.7)	91 (21.2)	1 (0.2)
9	1,438	432 (30.0)	263 (18.3)	717 (49.9)	26 (1.8)
10	924	537 (58.1)	2 (0.2)	380 (41.1)	5 (0.6)
11	451	400 (88.7)	18 (4.0)	33 (7.3)	0 (0.0)
12	213	160 (75.1)	3 (1.4)	50 (23.5)	0 (0.0)
13	454	295 (65.0)	41 (9.0)	108 (23.8)	10 (2.2)
14	128	101 (78.9)	0 (0.0)	27 (21.1)	0 (0.0)
15	<u>722</u>	<u>528 (73.2)</u>	<u>6 (0.8)</u>	<u>177 (24.5)</u>	<u>11 (1.5)</u>
Grand Total	18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

EXHIBIT "C"

GONZALES COUNTY
2000 VOTING AGE POPULATIONS APPLIED TO
EXISTING COUNTY COMMISSIONER PRECINCT BOUNDARIES
PRIOR TO REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	2,358	1,661	78	598	21
	14	85	70	0	15	0
	15	<u>524</u>	<u>411</u>	<u>4</u>	<u>102</u>	<u>7</u>
	Total	2,967	2,142 (72.2)	82 (2.8)	715 (24.1)	28 (0.9)
#2	2	2,277	998	437	806	36
	9	1,052	374	179	487	12
	11	<u>351</u>	<u>314</u>	<u>13</u>	<u>24</u>	<u>0</u>
	Total	3,680	1,686 (45.8)	629 (17.1)	1,317 (35.8)	48 (1.3)
#3	3	2,424	1,167	157	1,083	17
	5	370	294	43	31	2
	7	368	257	40	64	7
	8	<u>327</u>	<u>257</u>	<u>12</u>	<u>57</u>	<u>1</u>
	Total	3,489	1,975 (56.6)	252 (7.2)	1,235 (35.4)	27 (0.8)
#4	4	1,497	575	40	871	11
	6	603	388	9	205	1
	10	686	417	2	263	4
	12	154	122	3	29	0
	13	<u>345</u>	<u>240</u>	<u>29</u>	<u>70</u>	<u>6</u>
	Total	3,285	1,742 (53.0)	83 (2.5)	1,438 (43.8)	22 (0.7)
Grand Total		13,421	7,545 (56.2)	1,046 (7.8)	4,705 (35.1)	125 (0.9)

TAB F

Reapportionment Analysis
Post Redistricting 2001

Exhibit F

County	Gonzales 2001					
Plan	Commissioners					
Precinct	Population	Difference	Deviation			
1	4649	-8	-0.17%			
2	4625	-32	-0.69%			
3	4641	-16	-0.34%			
4	4713	56	1.20%			
Total	18628					
Ideal	4657					
	District	Number	Difference	Deviation		
Largest	4	4713	56	1.20%	TMD%	
Smallest	2	4625	-32	-0.69%	1.89%	
Ethnic	Analysis	Anglo	Hispanic	Black	Other	
Precinct						Totals
1	Population	2940	1470	190	49	4649
	Percentage	63.2%	31.6%	4.1%	1.1%	25.0%
2	Population	1896	1810	828	91	4625
	Percentage	41.0%	39.1%	17.9%	2.0%	24.8%
3	Population	2442	1761	400	38	4641
	Percentage	52.6%	37.9%	8.6%	0.8%	24.9%
4	Population	2261	2340	75	37	4713
	Percentage	48.0%	49.6%	1.6%	0.8%	25.3%
	Totals	9539	7381	1493	215	18628
	Percentage	51.2%	39.6%	8.0%	1.2%	100.0%

EXHIBIT "D"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO EXISTING
ELECTION PRECINCTS
AFTER REDISTRICTING

Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
1	3,978	2,451 (61.6)	188 (4.7)	1,300 (32.7)	39 (1.0)
2	2,984	1,288 (43.2)	555 (18.6)	1,076 (36.0)	65 (2.2)
3	2,937	1,213 (41.3)	231 (7.9)	1,469 (50.0)	24 (0.8)
4	2,186	769 (35.2)	51 (2.3)	1,346 (61.6)	20 (0.9)
5	804	594 (73.9)	96 (11.9)	108 (13.4)	6 (0.8)
6	817	473 (57.9)	14 (1.7)	327 (40.0)	3 (0.4)
7	471	318 (67.5)	53 (11.3)	93 (19.7)	7 (1.5)
8	429	317 (73.9)	20 (4.7)	91 (21.2)	1 (0.2)
9	1,438	432 (30.0)	263 (18.3)	717 (49.9)	26 (1.8)
10	924	537 (58.1)	2 (0.2)	380 (41.1)	5 (0.6)
11	203	176 (86.7)	10 (4.9)	17 (8.4)	0 (0.0)
12	283	136 (48.1)	0 (0.0)	145 (51.2)	2 (0.7)
13	503	346 (68.8)	8 (1.6)	142 (28.2)	7 (1.4)
14	128	101 (78.9)	0 (0.0)	27 (21.1)	0 (0.0)
15	<u>543</u>	<u>388 (71.5)</u>	<u>2 (0.4)</u>	<u>143 (26.3)</u>	<u>10 (1.8)</u>
Grand Total	18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

EXHIBIT "D"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO
PROPOSED COMMISSIONER PRECINCTS
AFTER REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	3,978	2,451	188	1,300	39
	14	128	101	0	27	0
	15	<u>543</u>	<u>388</u>	<u>2</u>	<u>143</u>	<u>10</u>
	Total	4,649	2,940 (63.2)	190 (4.1)	1,470 (31.6)	49 (1.1)
#2	2	2,984	1,288	555	1,076	65
	9	1,438	432	263	717	26
	11	<u>203</u>	<u>176</u>	<u>10</u>	<u>17</u>	<u>0</u>
	Total	4,625	1,896 (41.0)	828 (17.9)	1,810 (39.1)	91 (2.0)
#3	3	2,937	1,213	231	1,469	24
	5	804	594	96	108	6
	7	471	318	53	93	7
	8	<u>429</u>	<u>317</u>	<u>20</u>	<u>91</u>	<u>1</u>
	Total	4,641	2,442 (52.6)	400 (8.6)	1,761 (38.0)	38 (0.8)
#4	4	2,186	769	51	1,346	20
	6	817	473	14	327	3
	10	924	537	2	380	5
	12	283	136	0	145	2
	13	<u>503</u>	<u>346</u>	<u>8</u>	<u>142</u>	<u>7</u>
	Total	4,713	2,261 (48.0)	75 (1.6)	2,340 (49.6)	37 (0.8)
Grand Total		18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

IDEAL: 4,657

VARIANCE: 1.9%

EXHIBIT "D"

GONZALES COUNTY
2000 VOTING AGE POPULATIONS APPLIED TO
PROPOSED COUNTY COMMISSIONER PRECINCT BOUNDARIES
AFTER REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	2,953	1,936	137	857	23
	14	85	70	0	15	0
	15	<u>391</u>	<u>301</u>	<u>2</u>	<u>82</u>	<u>6</u>
	Total	3,429	2,307 (67.3)	139 (4.1)	954 (27.8)	29 (0.8)
#2	2	2,132	1,032	399	664	37
	9	1,052	374	179	487	12
	11	<u>160</u>	<u>142</u>	<u>7</u>	<u>11</u>	<u>0</u>
	Total	3,344	1,548 (46.3)	585 (17.5)	1,162 (34.7)	49 (1.5)
#3	3	1,983	942	142	886	13
	5	635	491	72	68	4
	7	368	257	40	64	7
	8	<u>327</u>	<u>257</u>	<u>12</u>	<u>57</u>	<u>1</u>
	Total	3,313	1,947 (58.8)	266 (8.0)	1,075 (32.4)	25 (0.8)
#4	4	1,497	575	40	871	11
	6	585	375	9	201	0
	10	686	417	2	263	4
	12	218	116	0	100	2
	13	<u>349</u>	<u>260</u>	<u>5</u>	<u>79</u>	<u>5</u>
	Total	3,335	1,743 (52.3)	56 (1.7)	1,514 (45.4)	22 (0.6)
Grand Total		13,421	7,545 (56.2)	1,046 (7.8)	4,705 (35.1)	125 (0.9)

TAB G



TAB H